

FINAL VERSION OF PROPOSED 330 CMR 29.00

330 CMR 29.00: RETIRED GREYHOUND CARE AND ADOPTION PROGRAM

Section

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29.01: Authority and Purpose

General laws chapter 10, section 64 establishes the Retired Greyhound Care and Adoption Council to encourage and assist in the adoption of Massachusetts greyhounds bred for racing that never qualified to race or that have reached the ends of their racing careers and directs it to adopt regulations for the disbursement of the Greyhound Adoption Trust Fund, established by general laws chapter 10, section 65. 330 CMR 29.00 is adopted under authority of general laws chapter 10, section 64 to assist the Council in administering the Trust Fund to ensure proper use of public funds. These regulations are intended to supplement, rather than replace, 815 CMR 2.00.

29.02: Definitions

The following definitions shall apply to 330 CMR 29.00:

Council: the Retired Greyhound Care and Adoption Council established under section 64 of chapter 10.

Entity: a corporation, association, partnership, company or other type of business organization.

Grant: an agreement to provide funds of financial assistance under contractual terms between the Council and a Grantee to further the adoption of greyhounds bred for racing that never qualified or that have reached the ends of their racing careers.

Grant Application: a document prescribed by the Council that is used to determine eligibility of a proposed recipient of a Grant of funds.

Grantee: an entity selected as a recipient of a Grant of funds.

Trust Fund: the Greyhound Adoption Trust Fund established under section 65 of chapter 10.

29.03: Certification

- (1) No entity will be considered eligible for a Grant unless a person who is legally authorized to sign on behalf of the entity submits a statement as part of the Grant Application certifying, under the pains and penalties of perjury, that the entity is none of the following:
 - a. An entity that owns, operates or holds any interest in any race track or other facility which operates pari-mutuel racing of greyhounds, or is licensed to operate such a facility pursuant to section 3 of chapter 128A;
 - b. An entity that promotes dog racing or has promoted dog racing in the past;
or
 - c. An entity that opposes dog racing or has opposed dog racing in the past.
- (2) Any prospective applicant may request the Council's opinion as to whether a particular activity that it is or has engaged in constitutes promoting or opposing dog racing. The Council shall make best efforts to answer all reasonable requests for opinion.

29.04: Application Process

- (1) In General. The Council shall award monies from the Trust Fund through an open and competitive process.
- (2) Distribution. The Council shall provide public notice of the availability of Trust Fund monies, and shall make Grant Applications available to the public.
- (3) Application Review. After the submission deadline for the Grant Application has passed, the Council shall review each application for completeness. The Council may disqualify any application that is not substantially complete.
- (4) Funding Decision. The Council shall evaluate applications for evidence that they demonstrate an ability of the applicant to achieve the public purposes of general law chapter 10, section 64 and comply with applicable Council guidelines and policies. Grant awards shall be solely at the Council's discretion and based on availability of funds.
- (5) Notice. The Council shall notify all entities that submit Grant Applications of their selection or non-selection for a Grant.

29.05: Agreements

- (1) Execution Required. An authorized signatory of each Grantee must execute a Standard Contract, the Commonwealth Terms and Conditions, and any other forms issued by the Office of the Comptroller, along with any other forms or attachments required by the Council or applicable laws and regulations.
- (2) Suspension or Revocation of Grant Payments. The Council may take action to suspend or revoke Grant funding whenever the Council becomes aware of evidence of any of the following:
 - a. Current or past illegality, corruption, or fraud on the part of a Grantee;
 - b. A Grantee's failure to comply with the terms of these regulations, the terms of the Grant Agreement, or any other applicable laws or regulations;
 - c. A Grantee's improprieties with respect to the expenditure of any Grant funds; or
 - d. A material misstatement on a Grant Application.

In the event of revocation, any unexpended funds shall be returned to the Trust Fund, and credited to the Trust Fund in the calendar year in which they were returned.

29.06: Educational Tools and List of Veterinarians

Each Grantee shall provide educational tools to assist persons interested in greyhound adoption, and shall provide a list of veterinarians with experience in the care and treatment of racing greyhounds.

29.07: Severability

If any provision of 330 CMR 29.00 is found to be illegal, unenforceable or void, then the Council, applicants and Grantees shall be relieved of all obligations under such provision only, and all other provisions shall remain in full force and effect.

29.08: Sunset Date

Unless the termination date for the authorizing legislation for these regulations is extended, these regulations shall sunset on December 31, 2005.

REGULATORY AUTHORITY: 330 CMR 29.00: G.L. c. 10, s. 64.
PUBLIC HEARING NOTICE

GREYHOUND CARE AND ADOPTION COUNCIL REGULATIONS: PROPOSED.
THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF
AGRICULTURAL RESOURCES HEREBY GIVES A NOTICE OF PROPOSED
PROMULGATION OF REGULATIONS at 330 Code of Massachusetts Regulations
29.00 ("330 CMR 29.00") Greyhound Care and Adoption Program, pursuant to its
authority established in Massachusetts General Laws. Chapter 10 §64. The Department
will conduct two public hearings on Tuesday, March 23, 2004 to consider the proposed
regulations as follows:

9:45 a.m. – 10:30 a.m. Waltham 4-H Center (also known as Waltham Field
Station), 240 Beaver Street, Waltham, MA in the
Auditorium

2 p.m. – 2:45 p.m. Springfield Technical Community College, 1
Armory Square, Springfield, MA, Building 2, Room
702

General Laws chapter 10, §64 establishes the Retired Greyhound Care and Adoption
Council to encourage and assist in the adoption of Massachusetts greyhounds bred for
racing that never qualified to race or that have reached the ends of their racing careers
and directs it to adopt regulations for the disbursement of the Greyhound Adoption Trust
Fund, established by General Laws Chapter 10, §65. 330 CMR 29.00 is adopted under
authority of general laws Chapter 10, section 64 to assist the Council in administering the
Trust Fund to ensure proper use of public funds.

Copies of proposed regulations can be obtained at www.mass.gov/agr Department of
Agricultural Resources, 251 Causeway St., Suite 500, Boston, MA 02114 or by calling
Ms. Patricia Cabral 617-626-1786. Written comments will be accepted at the hearings
and thereafter until close of business on April 14, 2004 and should be addressed to Mr.
Kent Lage, Department of Agricultural Resources, 251 Causeway Street, Suite 500,
Boston, MA 02114 by regular mail, email Kent.Lage@state.ma.us , or fax 617-626-
1850.

By: Douglas P. Gillespie, Commissioner.